

The Law Office of James M. Branden
80 Bay Street Landing, Suite 7J
Staten Island, New York 10301
Tel. 212-286-0173
Fax 212-481-8250

October 25, 2022

Hon. Hector Gonzalez
Hon. Raymond J. Dearie
United States District Judges
Eastern District of New York
255 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Shelton, et al. (Codner)
Cr. Docket No. 18-609 (HG)

Dear Judges:

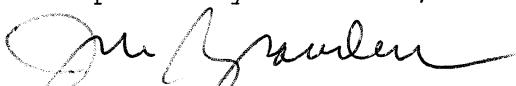
Along with Kelley Sharkey, I represent Arthur Codner in the above-referenced matter. On August 5, 2022, I appeared with Mr. Codner before Judge Dearie. At that time, Mr. Codner pleaded guilty pursuant to an agreement with the government. Thereafter, in a letter dated August 18, 2022 (Docket Entry 461), Mr. Codner asked Judge Dearie to "take the plea back." Thereafter, Kelley Sharkey was added as co-counsel. In order to advise Mr. Codner and to make a formal motion for plea withdrawal or not, Ms. Sharkey and I have ordered the minutes from the court proceedings on August 5, and August 1 (when Mr. Codner could not complete the Rule 11 change-of-plea colloquy) and we have visited Mr. Codner at the Hudson County Jail. When we receive the outstanding minutes, and review other documentation, we will visit him again and come to a resolution.

In light of Mr. Codner's letter, and the preliminary need to determine whether or not to move for plea withdrawal, I have not scheduled a presentence interview, though I have been in contact with Probation Officer Jennifer E. Baumann, who is assigned to prepare the presentence report.

In light of the above status of the matter, I am requesting that the sentencing presently scheduled for November 14 be adjourned to a date in February 2023.¹ The government and the Probation Office do not oppose this request.

Ms. Sharkey and I will report back to the Court once we have conferred further with Mr. Codner and resolved how to proceed.

Respectfully submitted,


James M. Branden

¹

I am uncertain whether Judge Dearie or Judge Gonzalez is scheduled to preside over the sentencing and therefore this letter is directed to both.